

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

**CURT A. HIBDON,**

Plaintiff,

v.

**MICHAEL J. ASTRUE,  
Commissioner of the Social  
Security Administration,**

Defendant.

**Case No. CIV-08-144-SPS**

**OPINION AND ORDER AWARDING  
ATTORNEYS' FEES TO THE PLAINTIFF UNDER THE EAJA**

The Plaintiff was the prevailing party in this appeal of the Commissioner of the Social Security Administration's decision denying benefits under the Social Security Act. He seeks an award of attorneys' fees and costs in the aggregate amount of \$5,019.80 under the Equal Access to Justice Act, 28 U.S.C. § 2412. *See* Plaintiff's Motion and Brief in Support for an Award of Attorney's Fees and Costs Pursuant to the Equal Access to Justice Act 28 U.S.C. § 2412 [Docket No. 21]. The Commissioner indicates that he has no objection to an award of \$5,019.80 to the Plaintiff.

Upon review of the record herein, the Court finds that said amount is reasonable and that the Commissioner should be ordered to pay it to the Plaintiff as the prevailing party herein. *See* 28 U.S.C. § 2412(d)(1)(A) ("Except as otherwise specifically provided by statute, a court shall award to a prevailing party . . . fees and other expenses . . . incurred by that party in any civil action [.]"). *See also Manning v. Astrue*, 510 F.3d 1246, 1249-50 (10th Cir. 2007), *cert. denied*, \_\_\_ U.S. \_\_\_, 77 USLW 3020 (2008).

Accordingly, Plaintiff's Motion and Brief in Support for an Award of Attorney's Fees and Costs Pursuant to the Equal Access to Justice Act 28 U.S.C. § 2412 [Docket No. 21] is hereby GRANTED, and the Commissioner is hereby ordered to pay attorneys' fees in the amount of \$4,669.80 and costs in the amount of \$350.00 to the Plaintiff as the prevailing party herein.

**IT IS SO ORDERED** this 3rd day of September, 2009.



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**STEVEN P. SHREDER**  
**UNITED STATES MAGISTRATE JUDGE**